

REMARKS

Claims 1, 2, 4-6 and 8-11 are pending in the application and stand rejected.

Statement of Substance of Interview

The undersigned thank the Examiner for conducting the telephonic interview on August 17, 2010. During the interview the rejection of independent claims 1 and 8 was discussed in view of Whitefield (US 5,282,446).

It was agreed that if claims 1 and 8 were amended to recite that the motion transmission shaft was a “monolithic motion transmission shaft,” these claims would be allowable over the applied references.

Additionally, claims 10 and 11 were amended to clarify that a gear is placed on the monolithic motion transmission shaft between the oil pump and the vacuum pump.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

It is believed that no petition or fee is required.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

Claims 1, 3-6, 8, 10 and 11 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because there is insufficient antecedent basis for the term “motion transmission shaft.”

Applicant submits that the present amendments to the claims obviate this rejection.

Claim Rejection – 35 U.S.C. § 102(b)

Claims 1, 2, 4-6, 8 and 9-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Whitefield (US 5,282,446).

Claim 1 recites, *inter alia*, a monolithic motion transmission shaft extending along a main axis X-X;

at least one oil pump mounted on said monolithic motion transmission shaft coaxially to said main axis X-X;

at least one vacuum pump mounted on said monolithic motion transmission shaft coaxially to said main axis X-X.

Applicant traverses these rejections because Whitefield fails to disclose or suggest all of the claim limitations. Specifically, Whitefield fails to disclose or suggest “a monolithic motion transmission shaft.”

The apparatus in Whitefield has two different shafts extending along the main axis of the group - drive shaft 15 for the oil pump 10 and shaft 31 for the water pump. Thus, the Whitefield apparatus requires splines, keys, dogs or similar element for connecting the two shafts 15 and 31. On the other hand, claims 1 and 8 require that the oil pump and vacuum pump are on the same monolithic driving shaft, thus, eliminating the need for the extra components in Whitefield.

Thus, Applicants submit that claims 1 and 8 are allowable for at least this reason.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1, 2, 4-6, 8 and 9-11 stand rejected under 35 U.S.C. § 103 as being unpatentable over Whitefield.

In this rejection, the Examiner contends that Whitefield teaches a constructive single motion transmission shaft from two sub-shafts. The Examiner also contends it would be obvious to form shafts 15 and 31 as a monolithic component as it has been held that forming as one piece a component formed of two pieces involves only routine skill in the art.

In response, Applicant submits that the Examiner has failed to establish *prima facie* obviousness for failing to consider the reference as a whole. Merely providing that such a change is within the routine skill in the art does not support such a modification. Rather, there must be a likelihood of success in making such a change. Any such likelihood of success is absent here. Further, as exemplified by the function and purpose of the dual shaft structure in Whitefield, the Examiner's purported modification would defeat the principle of operation in Whitefield.

Whitefield clearly discloses an explicit function and purpose for using multiple shafts 15 and 31. The purpose is to provide a spaced and axially sliding engagement with the rotor 16. *See* col. 2, lines 55-67. Additionally, this multiple shaft structure makes it possible to replace each of the pumps separately without disturbing the other pumps. *See* col. 3, lines 54-57; FIG. 2. On the other hand, the Examiner's purported modification would defeat each of these purposes of the dual shaft structure. Rather, making the shafts 15 and 31 "monolithic" would require that each of the pumps be impacted by a replacement of the other pumps. Additionally, this modification would also eliminate the axial sliding engagement eliminating the possibility of relieving stresses due to thermal expansion.

Thus, Applicant submits claims 1, 2, 4-6 and 8-11 are allowable for at least these reasons.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: October 8, 2010